

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:17-cv-00071-M

BELINDA LIPSCOMB FOUSHEE,
INDIVIDUALLY AND AS EXECUTRIX
OF THE ESTATE OF ANNEKA
FOUSHEE,

Plaintiff,

v.

RT VANDERBILT HOLDING
COMPANY, INC., INDIVIDUALLY AND
AS SUCCESSOR IN INTEREST TO R.T.
VANDERBILT COMPANY, INC., AND
VANDERBILT MINERALS, LLC F/K/A
R.T. VANDERBILT COMPANY, INC.,
INDIVIDUALLY AND AS SUCESSOR
IN INTEREST TO INTERNATIONAL
TALC CO.,

Defendants.

**AMENDED DISCOVERY
SCHEDULING ORDER**

This matter is before the Court on the parties' Consent Motion for an Amended Discovery Scheduling Order [DE-65]. The Court finds there is good cause to grant this motion, with the modifications below, and orders the discovery scheduling order to be amended as follows:

- a. Plaintiff produces all expert witness reports by **May 15, 2020**;
- b. Depositions of Plaintiff's expert witnesses must be completed by **June 15, 2020**;
- c. Defendants produce all rebuttal expert witness reports by **July 15, 2020**;

- d. Depositions of Defendants' expert witnesses must be complete by **August 14, 2020**;
- e. All discovery of any kind shall be completed by **August 31, 2020**;
- f. The supplementation or refiling of any dispositive motions shall be completed by **September 11, 2020**;
- g. Oral argument on any dispositive motions shall be completed before or during the **September 22, 2020** term of court;
- h. Parties must exchange and file Pre-Trial disclosures by **September 28, 2020**;
- i. Parties must serve and file all Motions in Limine by **October 5, 2020**;
- j. Parties may serve and file objections to the admissibility of any evidence listed by any other party in its Pre-Trial disclosures by **October 9, 2020**;
and
- i. The matter shall be trial ready on or after **October 19, 2020**.

The Court is aware that Defendants recently filed a Motion to Amend Answer and to File Third Party Complaint for Contribution [DE-66], not yet ripe for ruling, which would involve the addition of a new party to this litigation. Going forward the Court will only entertain further extensions to the deadlines in this Order based on exigent circumstances and consent motions.

FURTHERMORE, the Court will hold in abeyance Defendants' Motion for Summary Judgment [DE-45] based on representations at the March 26, 2020 telephonic status conference that summary judgment briefing will either be supplemented or withdrawn and refiled after the

close of expert discovery and the Court denies the pending Consent Motion for Amended Discovery Scheduling Order [DE-63] in light of the updated filing at DE-65.

SO ORDERED this the 17th day of April, 2020.



RICHARD E. MYERS II
U.S. DISTRICT COURT JUDGE